

REMARKS

Amendments to Claims

Independent claims 1 and 21 have been amended to clarify the meaning of the language previously presented in these claims. Accordingly, claim 1 has been amended to make it clear that the first feature substance is incorporated into and distributed uniformly throughout the volume and substance of the substrate to avoid any possible interpretation of this language as inclusive of a bar coded layer within a laminated document, which should have been clear from the original language of this claim, and to further clarify that the coding provided by the first feature substance is provided by the emission and/or excitation spectra of the mixture of luminescent substances incorporated into and distributed uniformly throughout the volume and substance of the substrate, which was the original intended meaning of the claim language preceding this proposed amendment.

Claim 21 likewise clarifies the meaning of the coding obtained by the at least one spectral characteristic property of either or both the first feature substance and the luminescent substance of the second feature substance, wherein the at least one spectral characteristic property is in the form of the emission and/or excitation spectra of the feature or luminescent substances.

The amendment of claim 15 is intended to make the claim language consistent with claim 1.

The amendment of claim 22 is to correct a typographical error.

All amendments to the claims are clearly supported by the specification at paragraphs [0012], [0038] and [0014].

Claim Rejections – 35 USC §103

Applicant respectfully submits that the rejection by the examiner of claims 1, 6-7, 10-11, 15-16, 21-23 and 30 as reciting subject matter regarded to be obvious in view of the teachings of U.S. 5,259,907 (Soules) in view of U.S. 4,455,039 (Weitzen) is based upon an improper interpretation of the claims and fails to establish a *prima facie* case of obviousness with regard to the claims when properly interpreted.

While the examiner is entitled to rely on the broadest reasonable interpretation of the claims for purposes of examination, nevertheless the claims must be read through the eyes of

a person skilled in the art in consideration of the entire specification and drawings of the application.

When properly interpreted, the prior claims require both a first feature substance that is incorporated into and distributed within the volume and substance of the substrate, an element that is not found in either Soules or Weitzen, and furthermore require that the mixture of luminescent substances of the first feature substance have a complex spectral distribution providing a coding by the spectral characteristics of the mixture. Claims 1 and 21 have been amended to make it clear that the first feature substance is distributed uniformly throughout the volume and substance of the substrate, which was the original intended meaning of the claim language, and further that the coding provided by the complex spectral distribution of the mixture of luminescent substances of the first feature substance is produced by the form of the emission and/or excitation spectra of the mixture, all as described in paragraph [0014] of the specification.

Neither of these features is shown, taught or suggested by Soules or Weitzen. Soules discloses a laminated playing card having an internal layer containing a barcode thereon that is machine readable (see figures 6 and 7) through an outer layer while Weitzen discloses coding in the form of a printed pattern of luminescent material. Both Soules and Weitzen are silent with regard to using the characteristic spectra of the luminescent material as a coding.

In view of the clear shortcomings of the teachings of the prior art and the failure of the teachings to establish *prima facie* obviousness of the subject matter of the rejected claims, withdrawal of the rejection is appropriate and the same is respectfully requested.

With regard to the rejection of claims 3-5, 13-14, 18-20, 24-29 and 32-34, these are dependent claims that may rely for patentability upon the patentability of the independent claims 1, 15 and 21 from which they depend. Moreover, the combination of elements recited in the rejected claims, considered as a whole, could not be regarded as obvious in view of the teachings of Soules, Weitzen and Kaule in the absence of evidence of such obviousness. Applicant submits that the examiner has failed to establish a case of *prima facie* obviousness with regard to the aforesaid dependent claims by specifically pointing out the basis upon which a person skilled in the art would regard the recited subject matter as obvious variations of the cited prior art or other basis.

More specifically, with regard to claims 3, 4 and 5 which recite a third feature substance, the additional prior art reference Kaule cited by the examiner only discloses a single luminescent substance and on its face would not suggest to a person skilled in the art

that such third feature substance could be combined with the first and second feature substances recited in claim 1 to achieve the recited functionality. There is no suggestion among the three documents of using three feature substances having all the characteristics recited in each of claims 3, 4 and 5.

The comments in the previous paragraph apply as well to claims 13, 14, 18, 19, 20, 24 and 25 which recite a third feature substance.

Furthermore, with regard to claims 23 and 24, Applicant does not observe any teaching or disclosure whatsoever in Weitzen as modified by Kaule according to which at least one spectral characteristic property of at least one of the first and third feature substances that is different from the first and second feature substance is used for checking the *authenticity* of the value document and further wherein the coding formed by the first feature substance is used for the *value* recognition of the document, wherein the checking for authenticity and the checking for value is carried out by users belonging to two user groups.

Further with regard to the rejection of claim 25, reciting that, for recognition of the authenticity of the document, a user of a first user group irradiates the first feature substance with radiation from its excitation range, whereby the emission is determined at least one wavelength from the emission range of the first feature substance, and whereby the check of at least one of authenticity and value is carried out on the basis of the determined emission, the examiner's remark supporting the rejection of this claim is not understood and in fact does not seem to be related to the claimed subject matter. The fact that a user would naturally hold the document at a distance that is greater than one wavelength from the emission range does not appear to be related to the method recited in claim 25.

The same comments above with regard to claim 25 apply as well to the rejections of claims 26, 27 and 28. With regard to the rejection of claim 28, Applicant further observes that the examiner's statement that a halogen lamp can be equated with a light emitting diode is not understood and does not appear to be technically correct. The fact that a diode is an electronic device having two terminals and thereby can be equated with a halogen lamp that also has two terminals is equivalent to stating that an elephant has four legs and a rabbit has four legs, therefore, the elephant is equivalent to the rabbit.

The rejections of claims 3-5, 13-14, 18-20, 24-29 and 32-34 do not appear to be supported by the evidence relied on by the examiner and withdrawal of the rejections is respectfully requested.

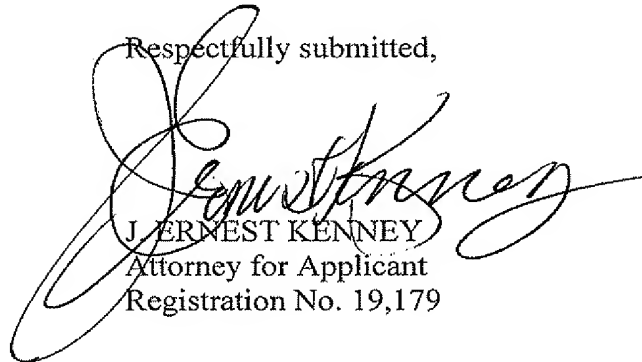
Comments Regarding Personal Interview with Examiner

The Applicant's undersigned representative conducted a personal interview with the examiner and the supervisory primary examiner Ms. Dana Ross on April 29, 2010 to discuss the claims as currently amended.

Applicant's representative transmitted an agenda for the conference in advance of the meeting with proposed amendments to the claims essentially corresponding with those currently proposed in this response. A separate statement of the substance of the interview is submitted herewith by Applicant's representative but it is desired to mention herein that Applicant's representative and the examiners agreed that as amended the proposed claims would overcome the cited art of record. Accordingly, Applicant submits that this application has now been placed fully in condition for allowance and its passage to issue is solicited.

BACON & THOMAS, PLLC
625 Slaters Lane, 4th Floor
Alexandria, VA 22314-1176
Phone: (703) 683-0500
Facsimile: (703) 683-1080
Date: June 11, 2010

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read "J. Ernest Kenney", is written over the typed name and title.

J. ERNEST KENNEY
Attorney for Applicant
Registration No. 19,179